

**BEFORE THE MINNESOTA  
BOARD OF VETERINARY MEDICINE**

In the Matter of  
Daniel Kamen, D.C.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND FINAL DECISION AND ORDER**

On May 9, 2003, the Complaint Review Committee (Committee) of the Minnesota Board of Veterinary Medicine (Board) initiated the above-entitled contested case proceeding against Daniel Kamen, D.C. (Respondent), at the State Office of Administrative Hearings following Respondent's timely request for a hearing on an April 7, 2003 Cease and Desist Order.

The matter came on for a prehearing conference before Administrative Law Judge Kathleen D. Sheehy (ALJ) on May 19, 2003. Susan E. Damon, Assistant Attorney General, appeared on behalf of the Committee. Respondent did not appear, nor did counsel appear for him. Based on Respondent's failure to appear, the Committee moved for a default recommendation. The Committee's motion was confirmed in writing on May 20, 2003. Respondent also failed to appear at the hearing that was scheduled for May 30, 2003.

Based on Respondent's default, the ALJ issued Findings of Fact, Conclusions of Law and Recommendation (Report). A true and correct copy of the ALJ's Report is attached hereto as Exhibit A.

The matter came on for hearing by the Board on June 19, 2003 in Conference Room A, 4th Floor, 2829 University Avenue S.E., Minneapolis Minnesota 55414.

Susan E. Damon, Assistant Attorney General, presented oral argument on behalf of the Committee. Respondent did not appear nor did counsel appear for him.

Board members present who considered this matter were: Frederick Mehr, D.V.M., Board Secretary-Treasurer, Lynn Green, Public Member, Ronald

Kuecker, D.V.M., and Susan Osman, Public Member. Committee members Joanne Schulman, D.V.M., Board President, and Lorna Reichl, D.V.M., Board Vice President, did not participate in deliberations or vote in the matter.

Based upon all of the files, records, and proceedings herein and upon the Report of the ALJ, the Board makes the following:

#### **FINDINGS OF FACT**

1. The Board adopts and incorporates by reference herein the Findings of Fact contained in the ALJ's Report.

Based upon the foregoing Findings of Fact and upon the Report of the ALJ, the Board makes the following:

#### **CONCLUSIONS OF LAW**

1. The Board adopts and incorporates by reference herein the Conclusions of Law contained in the ALJ's Report.

Based upon the foregoing Conclusions of Law and upon the Recommendation of the ALJ, the Board issues the following:

#### **ORDER**

1. The April 7, 2003 Cease and Desist Order issued by the Complaint Review Committee against Respondent Daniel Kamen, D.C., a copy of which is attached hereto as Exhibit B, is made permanent.

Dated: June 19, 2003

MINNESOTA BOARD  
OF VETERINARY MEDICINE

By: *(Signature on File)*  
Frederick Mehr, Secretary-Treasurer

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE BOARD OF VETERINARY MEDICINE

In the Matter of Daniel Kamen, D.C.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
RECOMMENDATION**

This matter came on for hearing before Administrative Law Judge Kathleen D. Sheehy on May 30, 2003.

Susan E. Damon, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101-2131, appeared for the Board of Veterinary Medicine Complaint Review Committee.

Daniel Kamen, D.C., 1121 Highland Grove Drive, Buffalo Grove, IL 60089, did not appear for the hearing, nor did counsel appear for him.

This report is a recommendation, not a final decision. The Minnesota Board of Veterinary Medicine Complaint Review Committee will make the final decision after a review of the record and may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendation. Under Minn. Stat. § 14.61, the Complaint Review Committee shall not make a final decision until this report has been made available to the parties for at least ten days. The parties may file exceptions to this report, and the Complaint Review Committee must consider the exceptions in making a final decision. Parties should contact Susan E. Damon at the address above to learn the procedure for filing exceptions or presenting argument.

**STATEMENT OF ISSUES**

1. Did Daniel Kamen threaten to engage in the practice of veterinary medicine in Minnesota without a license in violation of Minn. Stat. § 156.10?
2. Did Daniel Kamen hold himself out as an animal chiropractor in violation of Minn. Stat. § 156.12, subd. 4?

Based upon all the proceedings herein, the Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. Daniel Kamen is a chiropractor who resides in Buffalo Grove, Illinois. He operates a business called Animal Chiropractic Seminars, L.L.C.

2. In March 2003 Kamen began distributing advertisements in Minnesota for an Equine Chiropractic Seminar, to be held on April 12 and 13, 2003, at Diamond D. Quarter Horses, 1921 Chester Road SE, Chester, Minnesota.<sup>1</sup> In his advertisements Kamen described himself as a “Certified Animal Chiropractor.” The advertisement for the seminar describes a “hands-on” chiropractic adjusting clinic, in which participants “learn how to adjust horses step-by-step (evaluation and methods).” One advertisement further represented that Kamen would teach “[e]ffective methods for neck, back, hip, and shoulder pain.”<sup>2</sup>

3. The advertisements came to the attention of the Board of Veterinary Medicine Complaint Review Committee. On April 7, 2003, the Complaint Review Committee issued a Cease and Desist Order and Notice of Right to Hearing, ordering Kamen to cease and desist from engaging in any act that constitutes the practice of veterinary medicine, including, but not limited to, diagnosing and/or performing chiropractic on horses and holding himself out as an “animal chiropractor.”<sup>3</sup> The Order further notified Kamen that, pursuant to Minn. Stat. § 156.15, he could request a hearing to take place within 30 days by making a written request for hearing within 30 days of service of the Cease and Desist Order.<sup>4</sup>

4. The Cease and Desist Order was personally served on Kamen on April 12, 2003 at Diamond D. Quarter Horses, 1921 Chester Road SE, Chester, Minnesota, the location of the equine chiropractic seminar.<sup>5</sup>

5. Kamen made a written request for hearing that the Complaint Review Committee received on May 1, 2003.

6. On May 9, 2003, the Complaint Review Committee issued a Notice of and Order for Prehearing Conference and Hearing, which was served on Kamen by first-class and by certified mail.

7. The Notice of and Order for Prehearing Conference and Hearing stated in part as follows:

If Respondent fails to appear without the prior consent of the Administrative Law Judge at the prehearing conference in this matter, Respondent shall be deemed in default and the allegations or issues set forth herein and in the Cease and Desist Order may be taken as true or deemed proved without further evidence, and the Board may issue a further order making permanent the Cease and Desist Order.<sup>6</sup>

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<sup>1</sup>Notice of and Order for Prehearing Conference and Hearing ¶ A6.

<sup>2</sup> *Id.* ¶¶ A7-9.

<sup>3</sup> *Id.* ¶ A12.

<sup>4</sup> *Id.* ¶ A12.

<sup>5</sup> *Id.* at ¶ A13.

<sup>6</sup> *Id.* at ¶ D1.

(Footnote Continued on Next Page)

8. On May 19, 2003, Kamen failed to appear at the prehearing conference. He did not contact the Administrative Law Judge to attempt to reschedule the prehearing conference.

9. The Complaint Review Committee served Kamen by U.S. mail with a copy of a written motion for a default order on May 20, 2003.<sup>7</sup> Kamen has not responded to the motion for a default order.

10. Kamen failed to appear at the hearing on May 30, 2003.

11. Kamen is in default in this matter. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Hearing and in the Cease and Desist Order are taken as true and are deemed proved without further evidence. The allegations are hereby incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

### **CONCLUSIONS OF LAW**

1. The Complaint Review Committee of the Board of Veterinary Medicine and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50 and 156.15.

2. The Complaint Review Committee has given proper notice of the prehearing conference and hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law and rule.

3. The facts set out in the Notice of and Order for Prehearing Conference and Hearing constitute violations of Minn. Stat. §§ 156.10 and 156.12, subd. 4, which prohibit the practice of veterinary medicine without a license and prohibit any person who has not received a professional degree

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(Footnote Continued From Previous Page)

<sup>7</sup> In connection with its motion for a default order, the Complaint Review Committee also submitted Kamen's responses to Requests for Admissions, which indicate that in January 2003 the Board of Veterinary Medical Examiners in the State of Oklahoma issued a cease and desist letter to him based on his equine chiropractic seminars. He has also been enjoined by a district court in Washoe County, Nevada; cited and fined \$5,000 by the Arkansas Veterinary Board; and ordered to cease and desist from the unlicensed practice of veterinary medicine in the states of Washington and Louisiana. *See Responses to Request for Admissions.*

from an accredited or approved college of veterinary medicine from using the title or designation of "animal chiropractor."

4. Kamen's violations of the statute constitute grounds for the Complaint Review Committee to make the Cease and Desist Order permanent.

Based upon the foregoing Conclusions of Law, the Administrative Law Judge makes the following:

### **RECOMMENDATION**

IT IS HEREBY RECOMMENDED that the Complaint Review Committee make permanent the Cease and Desist Order against Daniel Kamen.

Dated this 30th day of May, 2003.

*(Signature on File)*  
KATHLEEN D. SHEEHY  
Administrative Law Judge

Reported: Default

### **NOTICE**

Pursuant to Minn. Stat. § 14.62, subd. 1, the Complaint Review Committee is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.

**STATE OF MINNESOTA**  
**BOARD OF VETERINARY MEDICINE**

In the Matter of Daniel Kamen, D.C.

**CEASE AND DESIST ORDER AND  
NOTICE OF RIGHT TO HEARING**

TO: Daniel Kamen, D.C., 1121 Highland Grove Drive, Buffalo Grove, IL 60089 and  
c/o Diamond D. Quarter Horses, 1921 Chester Rd. S.E., Chester, MN 55934

Minnesota law prohibits any person from practicing veterinary medicine without having first secured a veterinary license or temporary permit, as provided in Minn. Stat. ch. 156, unless the person is exempt from such licensing requirements.

The practice of veterinary medicine is defined in Minn. Stat. § 156.12, subd. 1, as follows:

Subdivision 1. **Practice.** The practice of veterinary medicine, as used in this chapter, shall mean the diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; the performance of obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or recommendations with regard to any of the above. The practice of veterinary medicine shall include but not be limited to the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique.

The use of titles relating to veterinary medicine is regulated by Minn. Stat. § 156.12, subd. 4, which provides:

Subd. 4. **Titles.** It is unlawful for a person who has not received a professional degree from an accredited or approved college of veterinary medicine, or ECFVG certification, to use any of the following titles or designations: . . . animal chiropractor . . . or any other title, designation, word, letter, abbreviation, sign, card, or device tending to indicate that the person is qualified to practice veterinary medicine.

Pursuant to the above-referenced statutes, the Board of Veterinary Medicine, by its Complaint Review Committee, has determined as follows:

1. Daniel Kamen, D.C. (Respondent), is not now and never has been licensed to practice veterinary medicine in the State of Minnesota and is not exempt from the licensure requirements set forth in Minn. Stat. ch. 156.

2. On information and belief, Respondent does not hold a professional degree from an accredited or approved college of veterinary medicine, or ECFVG certification.

3. In about March 2003, Respondent began distributing advertisements in Minnesota for an Equine Chiropractic Seminar to be held on April 12 and 13, 2003 at Diamond D. Quarter Horses, 1921 Chester Rd. S.E., Chester, MN 55934 (Equine Chiropractic Seminar). The advertisements state that Respondent will teach the Equine Chiropractic Seminar.

4. One or more of Respondent's advertisements for the Equine Chiropractic Seminar state that it is a "hands-on chiropractic adjusting clinic" enabling participants to "learn how to adjust horses step-by-step (evaluation and methods)." One advertisement further represents that Respondent will teach "[e]ffective methods for neck, back, hip, and shoulder pain."

5. On information and belief, Respondent intends to perform diagnoses of and/or chiropractic on horses belonging to others at the Equine Chiropractic Seminar.

6. In connection with his advertisements for the Equine Chiropractic Seminar, Respondent has held himself out in Minnesota as a "Certified Animal Chiropractor."

7. Respondent, by the conduct referenced in paragraphs 1 through 5 above, threatens to engage in the practice of veterinary medicine in Minnesota without a license, in violation of Minn. Stat. § 156.10, and should therefore be ordered to cease and desist from violating this statute.



8. Respondent, by the conduct referenced in paragraph 6 above, has held himself out in Minnesota as an “animal chiropractor” in violation of Minn. Stat. § 156.12, subd. 4, and should therefore be ordered to cease and desist from further violations of this statute.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to Minn. Stat. § 156.15, that Respondent shall cease and desist from engaging in any act or practice in Minnesota that constitutes the practice of veterinary medicine including, but not limited to, diagnosing and/or performing chiropractic on horses; from holding himself out in Minnesota as an “animal chiropractor,” and from using any other title, designation, word, letter, abbreviation, sign, card, or device in Minnesota tending to indicate that he is qualified to practice veterinary medicine until he achieves compliance with Minn. Stat. ch. 156.

**IT IS FURTHER ORDERED**, pursuant to Minn. Stat. § 156.15, subd. 3, that Respondent may request a hearing in this matter. Such request shall be made in writing and delivered to the Complaint Review Committee (Committee) of the Board of Veterinary Medicine (Board), 2829 University Avenue S.E., Minneapolis, MN 55414, whereupon the Committee shall set a date for hearing within 30 days after its receipt of the request unless Respondent and the Committee by agreement waive the 30-day time period. If no hearing is requested by Respondent within thirty (30) days of service of this Order, this Order will become final and will remain in effect until it is modified or vacated by the Board.

**IT IS FURTHER ORDERED**, that if a hearing is requested, this Order will remain in effect until it is modified or vacated or made permanent by further order of the Board pursuant to Minn. Stat. § 156.15, subd. 4.

**IT IS FURTHER ORDERED**, that in the event a hearing is requested in this matter, it will be held before an Administrative Law Judge to be appointed by the Chief Administrative

Law Judge for the State of Minnesota, Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138, Telephone: (612) 341-7600. All parties have the right to represent themselves or to be represented throughout the proceedings herein by legal counsel or a person of their choice if not otherwise prohibited as the unauthorized practice of law. The hearing will be conducted pursuant to the contested case procedures as prescribed in Minn. Stat. §§ 14.57-14.69 and the Rules of the Office of Administrative Hearings, Minn. R. 1400.5100-1400.8401. Failure to attend a hearing in this matter after being duly notified may result in the allegations of this Order being taken as true. Questions concerning the issues raised in this Order, informal disposition of this proceeding or discovery may be directed to Assistant Attorney General Susan E. Damon, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, Telephone: (651) 297-4010.

Dated: April 7, 2003

BOARD OF VETERINARY MEDICINE  
Complaint Review Committee

By: *(Signature on File)*  
JOHN KING, D.V.M.  
Executive Director

2829 University Avenue S.E., Suite 540  
Minneapolis, MN 55414